UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

:

CMT USA, Inc. and CMT Utensili S.p.A.

Plaintiffs,

v. : Case No. 3:24-cv-00137-RJC-DCK

Apex Tool Group LLC and Apex Brands, Inc.,

Defendants.

JOINT MOTION TO MODIFY THE CASE SCHEDULE

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and the Local Rules of the Western District of North Carolina, the parties jointly move to modify certain deadlines set forth in this Court's prior Orders (Dkt. Nos. 68, 80, 85, and 106). Specifically, the parties request the dispositive motion deadline be extended from January 24, 2025 to **February 28, 2025**. Recognizing that the presently proposed extension may impact the May 5, 2025 trial date, the parties also request a conference with the Court to discuss any adjustments to the trial date and/or pre-trial schedule that the Court may deem warranted.

I. Good Cause for Modification

Good cause exists for this extension. Despite the parties' diligent efforts to meet the current schedule, additional time is needed to complete expert depositions and prepare dispositive motions. The rebuttal expert reports were exchanged just before the holidays on December 20, 2024, leaving insufficient time to complete the numerous expert depositions, which will occur in various cities across the country.

The parties have collectively retained eight expert witnesses.¹ Plaintiffs' expert witnesses will all be made available for depositions in New York City.² Defendants' expert witnesses will be made available in Phoenix, Chicago, New York, and Washington, D.C. None of the experts have been deposed yet and the dispositive motion deadline is currently January 24, 2025. Given the recent holidays, the number of experts to be deposed, and the travel involved, the parties request resetting the expert deposition deadline to February 14, 2025 and moving the dispositive motion deadline to February 28, 2025. The requested extension would allow the parties sufficient time to complete the expert depositions and adequately prepare motions for summary judgment. The parties have diligently addressed the scheduling issues through emails and are in agreement that the proposed extension is necessary.

II. Request For Trial Date Conference

The parties recognize that extending the dispositive motion deadline may impact the May 5, 2025 trial date. The parties therefore respectfully request a conference with this Court to discuss any adjustment to the trial and pre-trial schedule.

III. Conclusion

For the above reasons, the parties respectfully request that the Court grant this motion to reset the expert deposition deadline to February 14, 2025, to extend the dispositive motion deadline to February 28, 2025, and to schedule a conference with the Parties to discuss the trial date.

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¹ Plaintiffs and Defendants have each retained four expert witnesses.

² Plaintiffs' expert witnesses are traveling from various locations across the country, including Baltimore, Houston, and Rochester to reduce travel and streamline the expert deposition process.

Respectfully submitted.

DATE: January 8, 2025

/s/ Joshua B. Durham

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Attorneys for Defendants Apex Tool Group LLC and Apex Brands, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been electronically filed with the Clerk of the Court on January 8, 2025 using the CM/ECF system which does send notification of such filing to all counsel of record.

/s/ Joshua B. Durham

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